

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES M. WELDEN,)	
Plaintiff)	
v.)	No. 3:05-cv-422
JO ANNE B. BARNHART,)	
Commissioner of)	
Social Security,)	
Defendant)	

MEMORANDUM AND ORDER

This matter is presently before the court on the Report and Recommendation (R&R) [Doc. 15] filed by the Honorable H. Bruce Guyton, United States Magistrate Judge, on May 11, 2006, in which he recommended that plaintiff's motion for judgment on the administrative record [Doc. 7] be denied and that the Commissioner's motion for summary judgment [Doc. 12] be granted. There have been no timely objections filed by plaintiff to the R&R. See Fed. R. Civ. P. 72(b); *see also* 28 U.S.C. § 636(b)(1).

After a careful review of this case, the court is in complete agreement with Judge Guyton that substantial evidence on the record as a whole supports the

finding of the administrative law judge that plaintiff could perform his past work as a construction superintendent. Accordingly, the R&R is hereby ACCEPTED IN WHOLE whereby: (1) plaintiff's motion for judgment on the administrative record [Doc. 7] is DENIED; (2) the Commissioner's motion for summary judgment [Doc. 12] is GRANTED; and (3) this case is DISMISSED.

ENTER :

s/ James H. Jarvis
UNITED STATES DISTRICT JUDGE